GOVERNMENT OF INDIA
COMMERCE AND INDUSTRY
LOK SABHA

STARRED QUESTION NO:214
ANSWERED ON:09.05.2016
Hike in H1B Visa Fee
Senguttuvan Shri Balasubramaniam;Sreeramulu Shri B.

Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) whether the number of H1B visa applicants has increased manifold over the last three years and if so, the details thereof, year-wise;
(b) whether the Government is aware that the United States of America has increased the fee for H1B and L1 visa and if so, the details thereof;
(c) whether India has made it clear to the US that the enhanced visa fee may affect the Indian IT industry/IT professionals in a big way and if so, the details thereof; and
(d) whether the US Government has assured that it will look into India"s concerns over the said move and if so, the details thereof; and
(e) the action taken to protect the interests of Indian professionals?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (INDEPENDENT CHARGE)
(SMT. NIRMALA SITHARAMAN)

a) to e): A Statement is laid on the Table of the House.

*****
STATEMENT REFERRED TO IN REPLY TO PARTS (a) TO (e) OF LOK SABHA STARRED QUESTION NO.214 FOR ANSWER ON 09TH MAY, 2016 REGARDING "HIKE IN H1B VISA FEE"

(a): According to data available from the U.S. Citizenship and Immigration Services (USCIS), the USCIS received 124,000 H-1B visa applications for FY2014; 172,500 H-1B visa applications for FY 2015; 233,000 H-1B visa application for FY 2016; and 236,000 H-1B visa application for FY 2017.
(b): Yes. On December 18, 2015, the US President signed into law the 2016 Omnibus Spending Bill (Public Law 114-113) which doubled the supplemental visa fees for L-1 and H-1B visas for a period of 10 years for companies employing 50 or more employees in the United States, 50% of which are on L-1 and H-1B visas (50:50 rule). With this legislation in place, 50:50 companies would now need to pay an enhanced fee of $4,500 for each L-1 visa and $4000 for each H-1B visa, as compared to $2,250 and $2000 previously.

(c) and (e): The increase in H-1B and L-1 visa fee issue has been raised with the US Government at various levels including by the Indian PM with the U.S. President in December 2015 and recently by the Finance Minister with the US Trade Representative on April 13, 2016. The Department of Commerce has raised this issue with the concerned US authorities on several occasions highlighting the negative impact of the hike in visa fee, particularly on Indian IT Companies. In this regard, a letter was written by the MOS Commerce & Industries to Ms. Penny Pritzker, Commerce Secretary, USA and to Ms. Caroline Atkinson, Deputy National Security Advisor, USA, on 4th December, 2015, wherein it was requested not to incorporate such discriminatory and punitive measures into legislations without due process of Notice and Comment, as it would seriously impede the on-going efforts to take the India-US bilateral trade and investment relationship forward. Concerns about the visa fee hike and other related issues were raised during the Indo-US Trade Policy Forum meeting held in Washington DC in October, 2015. India has also taken up the matter on US visa fee hike in the Dispute Settlement Body of the World Trade Organisation (WTO).

(d): No such assurances have been received from the US Government. The US government has informed that the visa fee hike has been done through a legislative action, where the role of the Administration is quite limited.
***